IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 13 OF 2003.

Ramakant B. Navelkar
r/o H. No. 553, Madapai,
Marcela (Ponda Goa). ... Petitioner.

Versus

State of Goa through
Inspector General of
Prisons, Panaji. ... Respondent.

Mr. V. Korgaonkar, Advocate under L.A.S. for the Petitioner.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent State.

Coram : P.V. HARDAS, J.

Date : 20th June 2003.

ORAL JUDGMENT.

Rule. Rule made returnable forthwith, by consent of the learned counsel for the parties.

2. This Criminal Writ Petition has been filed by the petitioner, who is undergoing sentence of 7 years rigorous imprisonment and fine of Rs. 1,000/- in default simple imprisonment for one month for offences punishable under Sections 304-B and 498-A of the Indian Penal Code, in Sessions Case No. 1 of 1996. The petitioner had applied for parole on 4th February 2003 requesting the authorities to grant him parole for a period of 60 days for the reason that he wanted to see his old aged mother, who is sick. The learned Inspector General of Prisons, Panaji, Goa, by his Order, dated

16th March 2003, rejected the said application on the grounds (i) that the reason stated for release on parole does not seem to be of emergent nature as the mother of the petitioner, who is aged 60 years, is under treatment of a doctor and (ii) that there was a possibility that the petitioner may threaten the family of the victim due to which there is likelihood of breach of peace in the locality.

3. In the present petition, it is urged that the petitioner be released on parole on the ground that he wants to spend some time with his aged and ailing mother and intends to revive his old vocational relations and contacts 'for a suitable berth for him in the society after his release from the gaol'.

4. From the affidavit filed by the Inspector General of Prisons, it is apparent that the petitioner had been released on parole on humanitarian grounds initially for a period of 30 days and, thereafter, was extended for a further period of 30 days. No medical certificate had been attached by the petitioner to his application for being released on parole regarding the gravity of the sickness of his mother, who, admittedly, is taking treatment from one Dr. Mahatme at Marcela. The fresh ground which is urged by the petitioner in the present petition is that he wants to revive his old

vocational contacts for rehabilitation after his release, does not seem to be a ground for which he seeks parole. The second reason for rejecting the application for release on parole does not seem to be germane as the petitioner was earlier released on parole and there was no complaint that he had threatened the family of the victim. In the absence of necessary supporting documents, like medical certificate, and the fact that the petitioner was released on parole on the same ground, according to me, the rejection of his application was justified. However, the petitioner may, if so advised, file a fresh application for parole on the ground which is stated in the petition. If such an application is filed by the petitioner, the authorities will examine the application and deal with it according to law.

5. The Criminal Writ Petition is dismissed. Rule discharged with no order as to costs. Copy of this Judgment be sent to the petitioner.

(P.V. HARDAS)
JUDGE.

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